

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CAROLYN M.
KLOECKNER,

PLAINTIFF,

vs.

THOMAS E. PEREZ,
Secretary of Labor,

DEFENDANT.

Case No. 4:09-CV-00804 ERW

DEPOSITION OF BARBARA BREIG
TAKEN ON BEHALF OF THE PLAINTIFF
APRIL 29, 2014

REPORTED BY STACY L. HEARST, CCR 923

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EXHIBIT



1 Q Did you ever hear any rumors that Carol
2 was working entry level cases or not working GS-13
3 level cases?

4 A No.

Q That Gary was conducting field
6 interviews for her and then preparing her audit
7 spreadsheets?

8 A No.

9 Q That Carol wasn't posting -- or that
10 Carol was posting her cell phone number on the sign
11 out board, sign out sheet, whatever you guys had,
12 when all the other auditors and investigators were
13 required to put a contact name and number from the
14 actual business that was being visited?

15 A I might have seen that in the book.

16 Q But nobody -- that wasn't part of
17 the --

18 A No.

19 Q Did you ever hear being reported around
20 the office that Carol was once gone for two days and
21 no one knew where she was, even Gary?

22 A No. I don't know anything about that.

23 Q Or that Carol used more sick leave than
24 was allowed under the family sick leave act?

25 A No. No one discussed that with me.

1 Q Did you ever receive a fax to Carol
2 from a program called Peaceful Choices and forward
3 that to Steve Newman?

4 A No.

5 Q Do you know -- we know that happened,
6 because Steve Newman received the fax. Do you know
7 who forwarded that fax to Steve Newman?

8 A No.

9 Q Were you aware in the January of '05
10 time period that an OIG complaint was filed against
11 employees in the St. Louis district office?

12 A No.

13 Q As we sit -- am I the first one that's
14 ever telling you that, as we sit here today?

15 And let me be more specific. That an
16 OIG complaint was filed that accused Carol of certain
17 wrongdoing?

18 A I was aware of it after the fact.

19 Q Okay.

20 A But maybe not during that time period.

21 Q How did you become aware of it after
the fact?

22 A I don't remember. I guess somebody
24 must have just been talking or gossiping or...

25 Q Do you remember who was talking --

1 MR. LLEWELLYN: I am going to
2 object. It calls for speculation. She doesn't know.
3 BY MS. PETRUSKA:

4 Q Well, let me ask you this. Do you
5 recall any specific person talking or gossiping about
6 the OIG complaint?

7 A No, not during that time period.

8 Q And I am talking about any time period
9 now, so even after the fact?

10 A I was aware of who filed the complaint.
11 Yes.

12 Q Did the person who filed the complaint
13 tell you that they filed the complaint?

14 A Yes.

15 Q Did Laura Lammert tell you she filed
16 the complaint?

17 MR. LLEWELLYN: I am going to
18 object at this point. You are back-dooring in a
19 court ruling by this court, and I believe it could be
20 sanctionable at this time if you want to go further
21 on this.

22 I am going to instruct her not to
23 answer this, and you can certify and let the judge
24 read it.

25 MS. PETRUSKA: Well, I would

1 disagree with that and I would like to make a record
2 on this, because I believe that at this point, the
3 court said that he wasn't -- that the -- he wasn't
4 going to disclose the OIG complainant through the
5 complaint because of certain policies and procedures
6 that relate to the filing of OIG complaints, but that
7 he has not made a ruling on any issues about the
8 complainant self-disclosing their identify. And once
9 a complainant self-discloses their identify, they've
10 waived any privilege or expectation of
11 confidentiality or privacy.

12 MR. LLEWELLYN: That's fine. I
13 certify it. Do not answer the question.

14 MS. PETRUSKA: You are directing
15 her not to answer that question?

16 MR. LLEWELLYN: Yes, ma'am.

17 BY MS. PETRUSKA:

18 Q But the person who filed the complaint
19 told you they filed the complaint, and I am assuming
20 that's how you became aware of the OIG complaint?

21 A Well, I am not sure who filed it, but I
22 was aware that there was a complaint. And I have no
23 knowledge of what the complaint was about.

24 Q I thought you said a minute ago the
25 person who filed it told you they filed it. Am I

1 misunderstanding your previous testimony?

2 A I don't recall if they told me exactly
3 that they filed it, but I knew there was a complaint
4 out there.

Q On the year anniversary after Carol
6 left, did Laura Lammert celebrate the fact that she
7 had been gone?

8 A Not that I know of. If she did, I
9 wasn't invited and I wouldn't have gone.

10 Q Well, did you ever hear her say
11 anything along the lines of, I am glad that bitch is
12 gone, she got what she deserved, or words to that
13 effect?

14 A No.

15 Q Did she say that in your presence?

16 A No.

17 Q What I would like to do now is we have
18 had -- we take a break at this point because I think
19 I am almost done with my questions.

20 A Okay.

21 Q I would like to confer with my client.
22 This is when we usually ask the deponent and Mr.
23 Llewellyn to leave the room. And if you could take a
24 quick look at that while we are doing that, I would
25 appreciate it. We will bring it back in a few

1 minutes. I know I will have a question or two about
2 that e-mail.

3 (A brief break was had off the
4 record.)

5 BY MS. PETRUSKA:

6 Q Have you had an opportunity to review
7 Exhibit 32 while we were on the break?

8 A I read page one, yes.

9 Q Do you need more time? I mean, I do
10 want you to have a chance to read that to see if it
11 refreshes your recollection before we complete the
12 deposition.

13 A All of this down here, it's kind of
14 hard to read. It's kind of printed off funny.

15 I remember part of this, though.

16 Q Does Exhibit 32 refresh your
17 recollection as to any conversations you had with
18 Carol in the April-May time period of 2005?

19 A Well, I guess the part that kind of
20 comes to mind is, you know, you pointed out the
21 second paragraph under Carol's response, you know --
I think it was that paragraph.

22 MR. LLEWELLYN: She just wants to
24 know whether it refreshes your recollection whether
25 or not you had communications at that time. That was

1 the question.

2 A I am sorry. Would you ask me the
3 question one more time?

4 BY MS. PETRUSKA:

5 Q Sure.

6 Does that e-mail refresh your
7 recollection as to any conversations, communications
8 you had with Carol about management, let's even
9 narrow it more, in that April-May 2005 time period?

10 A Well, I guess the part that kind of
11 stands out is about, you know, the insomnia and the
12 crying and stuff like that. I didn't see that kind
13 of stuff at work.

14 Q You never saw Carol cry at work?

15 A Not -- not regarding these issues.

16 Q Did you -- did Carol ever report to you
17 that after she met with Gary, she had been crying
18 either when she was meeting with Gary or shortly
19 after she had met with Gary?

20 A Not that I remember.

21 Q Does this e-mail in any way refresh
22 your recollection as to Carol's demeanor in the
23 office at the time, or how she was conducting
24 herself?

25 A No.

1 Q So, I can get it out of the way for him
2 to jump up and down again, going back to the OIG
3 complaint, were the employees in general talking
4 about it in the office or was somebody talking to you
5 about it?

6 A I think everybody was talking about it
7 in the office, because she just left.

8 Q Okay.

9 A She went -- the day she left, she went
10 around to everybody's desk that she considered a
11 friend and said goodbye, and I don't know --

12 (Interruption.)

13 BY MS. PETRUSKA:

14 Q So, you were talking about what Carol
15 did the day she left?

16 A Yeah. I think everybody was talking
17 about it because the day she left, she went around to
18 people that were her friends and kind of said goodbye
19 and I think everybody was like very surprised.

20 Q And how did the OIG complaint -- did
21 Carol bring it up or did other people bring it up at
22 that timeframe?

23 A I don't remember. I mean, I know Carol
24 was talking about it some -- or well, no. I don't
25 know about the OIG complaint.